

The Gazette of India

EXTRAORDINARY

PART II—Section 1

PUBLISHED BY AUTHORITY

No. 10] NEW DELHI, FRIDAY, FEBRUARY 24, 1956

AJMER STATE GOVERNMENT

(Law & Judicial Department)

Ajmer, the 24th February, 1956

No. 14/9/55-L&J.—The following Bill is published under rule 123 of the Ajmer State Legislative Assembly Rules for general information.

2. It has received the recommendation of the Chief Commissioner under section 24 of the Government of Part "C" States Act, 1951.

BILL No. 3 OF 1956

A Bill to regulate the rights of Shamlat Deh in Khalsa areas, in the State of Ajmer.

BE it enacted by the Legislative Assembly of the State of Ajmer in the Seventh Year of the Republic of India as follows:—

1. Short title, extent and commencement.—(1) This Act may be called the Ajmer Shamlat Deh (Regulation) Act, 1956.

(2) It extends to the whole of the State of Ajmer.

(3) It shall come into force on such date as the State Government may, by notification in the Official Gazette appoint.

2. Interpretation.—(1) In this Act, unless the context otherwise requires—

- (a) "inhabitant" in relation to a village, means a person, whether a proprietor or a non-proprietor who ordinarily resides in the village;

Provided that a person shall not be deemed to cease to so reside merely by reason of his temporary absence from the village or his absence on account of employment else-where;

- (b) "Khalsa area" means an area under regular settlement but does not include a jagir or an istimrari estate;

- (c) "Panchayat" means a panchayat established under the Ajmer State Panchayat Act, 1954 (Ajmer Act VII of 1954).
- (d) "prescribed" means prescribed by rules made under this Act;
- (e) "Shamlat Deh" means any land in a village which is vested in a village proprietary body and is recorded as vesting in such body in the revenue records;
- (f) "State Government" means the Chief Commissioner of the State of Ajmer;
- (g) "Village" means any local area recorded as a village in the revenue records of the State of Ajmer or any other local area which the State Government may, by general or special order, declare to be a village.

(2) The General Clauses Act, 1897, applies for the interpretation of this Act as it applies for the interpretation of a Central Act.

3. Vesting of rights in panchayats.—Notwithstanding anything to the contrary contained in any law for the time being in force or in any agreement instrument, custom or usage or in any decree or order of any Court or other authority, all rights, title and interest whatever in any land which is included in the Shamlat Deh including non-partitioned vacant sites shall, with effect from the commencement of this Act, vest in the panchayat having jurisdiction over the village in which such land is situated.

4. Regulation of use or disposal of lands.—All lands vested in a panchayat by virtue of the provisions of this Act shall be utilised or disposed of by the panchayat for the benefit of the inhabitants of the village concerned, in the manner prescribed.

5. Saving of existing possession.—(1) Where, before the date appointed, under sub-section (3) of Section 1 on any land which vests in a panchayat under the provisions of this Act—

- (a) a person is in cultivating possession and his uncut and ungathered crops are standing thereon, he shall not be ejected from such land unless crops have ripened and he has been allowed reasonable time to harvest them;
- (b) a person has built or erected any house or any other structure, he shall be allowed by the panchayat to retain possession of the same on such terms and conditions as may be determined by the panchayat, subject to any rules which may be made in this behalf.

(2) Any person aggrieved by any decision made by a panchayat under sub-section (1) may appeal to the Collector, whose order thereon shall be final.

6. Utilisation of income.—Any income accruing from the use and occupation of the lands vested in a panchayat under the provisions of this Act shall be credited to the panchayat fund and shall be utilised in the manner prescribed.

7. Bar of compensation.—No person shall be entitled to any compensation for any loss suffered or alleged to have been suffered as a result of the coming into force of this Act.

8. Bar of jurisdiction of Civil Court.—No Civil or Revenue Court shall entertain any suit or proceeding arising out of the operation of this Act, and no injunction in respect of any action taken or to be taken under the provision of this Act shall be granted by any Civil Court or other authority.

9. Protection of action taken in good faith.—No suit, prosecution or other legal proceedings shall lie against any person for anything which is in good faith done or intended to be done under this Act or the rules made thereunder.

10. Power to make rules.—(1) The State Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for—

- (a) the principles on which, the extent to which and the manner in which, the inhabitants of the village shall make use of the lands vested in a panchayat;
- (b) the maximum and minimum area to be leased to any single person;
- (c) the forms of the books to be kept, the entries to be made therein and the statistics and the accounts to be compiled under this Act;
- (d) the terms and conditions on which the use to be compiled under this Act; and occupation of any land vested in a panchayat is to be permitted;
- (e) the manner and circumstances in which any land may be disposed of, transferred or sold;
- (f) the purposes for which any land may be given free of charge;
- (g) the payment by the panchayat of the land revenue, rates, cesses or other Government dues in respect of the lands vested in it;
- (h) any other matter which is to be or which may be prescribed.

STATEMENT OF OBJECTS AND REASONS

There are Shamlat lands in the Khalsa villages of the State which belong to the proprietary body of the Villages concerned. According to the provisions of section 180 (c) of the Ajmer Tenancy and Land Records Act, 1950, the Chief Commissioner can create a Shamlat Committee in any village or town which has at least three hundred acres of stable land as Shamlat Deh. The Shamlat Committees have been created in such villages where the stable land is either three hundred acres or over that. But for want of provision in the Act the Shamlat Committees in various villages having less than three hundred acres of Shamlat land could not be created. The result was that there have been various complaints regarding mal-administration in these Committees. In order to overcome these difficulties it seems worth while to vest all rights and interest in Shamlat land in the Panchayats established under the State Panchayat Act, 1954 for the benefit of all the villagers.

Therefore a bill has been drafted for the purpose of vesting Shamlat land in the Statutory Panchayats.

BRIJ MOHAN LAL SHARMA,
Minister-in-Charge.

P. N. SETH,
Secretary to the Government of Ajmer.